

Appendix A – Amended Claims

1. (original) A rice seed designated 'Cheniere,' wherein a representative sample of said seed has been deposited under ATCC Accession No. PTA-5613.
2. (original) A plant, or a part thereof, produced by growing the seed of Claim 1.
3. (original) Pollen of the plant of Claim 2.
4. (original) An ovule of the plant of Claim 2.
5. (currently amended) A rice plant having ~~essentially~~ all of the physiological and morphological characteristics of the rice plant of Claim 2 or a part of such a rice plant.
6. (currently amended) Tissue culture of regenerable cells from the rice plant of ~~seed~~ Claim 2.
7. (original) Tissue culture of Claim 6, wherein the cells of the tissue culture are from a tissue selected from the group consisting of embryos, meristematic cells, pollen, leaves, anthers, roots, root tips, flowers, seeds, and stems.
8. (original) A rice plant regenerated from the tissue culture of Claim 7, said rice plant having all of the morphological and physiological characteristics of 'Cheniere.'
9. (currently amended) A method for producing an F₁ hybrid rice seed, said method comprising crossing a first parent rice plant with a second parent rice plant, and harvesting the resultant F₁ hybrid rice seed, wherein ~~said~~ the first parent rice plant or the second parent rice plant is the rice plant of Claim 2.

10 - 14 (canceled)

15. (currently amended) A method of producing a rice plant, said method comprising deriving a rice plant ~~derived~~ from the rice plant of Claim 5 by a single gene conversion.

16. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene is a gene ~~which~~ is introduced by a transgenic method.

17. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene is a dominant allele.

18. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene is a recessive allele.

19. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene confers herbicide resistance.

20. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene confers insect resistance.

21. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene confers resistance to bacterial, fungal or viral disease.

22. (currently amended) The ~~plant~~ method of Claim 15, wherein the gene confers male sterility.

23. (new) A method for producing rice plants, said method comprising planting a plurality of rice seeds as recited in Claim 1 under conditions favorable for the growth of rice plants.
24. (new) A method as recited in Claim 23, additionally comprising the step of harvesting rice seed produced by the resulting rice plants.
25. (new) A method for breeding rice plants, said method comprising crossing or back-crossing the rice plant of Claim 5 with other rice germplasm, and harvesting the resulting rice seed.
26. (new) The method of Claim 25, additionally comprising the steps of:
- (a) planting a plurality of the harvested rice seed under conditions favorable for the growth of rice plants; and
 - (b) selecting for further propagation, as hybrids or as varieties, seed from the resulting rice plants.
27. (new) The method of Claim 9, additionally comprising the step of planting a plurality of the F₁ hybrid rice seed under conditions favorable for the growth of rice plants.
28. (new) A method as recited in Claim 27, additionally comprising the step of harvesting rice seed produced by the resulting rice plants.
29. (new) A method as recited in Claim 15, additionally comprising the step of harvesting rice seed produced by the plant having a single gene conversion.

30. (new) The method of Claim 29, additionally comprising the step of planting a plurality of the harvested rice seed under conditions favorable for the growth of rice plants.

31. (new) A method as recited in Claim 30, additionally comprising the step of harvesting rice seed produced by the rice plants resulting from the process of Claim 30.

32. (new) A method as recited in Claim 26, additionally comprising the step of planting a plurality of the harvested rice seed under conditions favorable for the growth of rice plants.

33. (new) A method as recited in Claim 32, additionally comprising the step of harvesting rice seed produced by the rice plants resulting from the process of Claim 32.

Appendix B

ATCC

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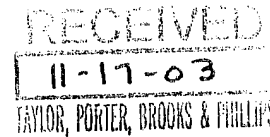
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Taylor, Porter, Brooks & Phillips, LLP
Attn: Andre J. Porter
PO BOX 2471
Baton Rouge, LA 70821-2471



Deposited on Behalf of: Board of Supervisors of Louisiana State University and Agricultural and
Mechanical College

Identification Reference by Depositor:

Patent Deposit Designation

Rice seed (*Oryza sativa* L.): Cheniere
Ref: Docket or Case No.: Linscombe 03A1

PTA-5613

The seeds were accompanied by: a scientific description a proposed taxonomic description indicated above. The seeds were received October 23, 2003 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the seeds for 30 years.

The seeds will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the seeds and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said seeds.

If the seeds should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with viable seeds of the same.

The seeds will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the seeds cited above was tested October 30, 2003. On that date, the seeds were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: November 10, 2003